

PLAINTIFF'S MOTION TO REMAND

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WASHINGTON MUTUAL BANK,

Plaintiff,

Civil No. 06-1098-PK

v.

ORDER

JAMES E. JACOBSON, JR. et al.,

Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Papak issued a Findings and Recommendation [22] in this action, recommending that plaintiff's Motion to Remand [3] should be granted.

Objections to the Findings and Recommendation were due December 19, 2006.

Defendants filed objections to the Findings and Recommendation on December 21, 2006.

On January 4, 2007 the matter was referred to this court. When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review of that Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Findings and Recommendation provided a thorough analysis of the facts. This factual analysis is not objected to by defendants, and need not be repeated here.

In addition to being untimely, defendants' objections fail to conform to Federal Rule of Civil Procedure 72(b) ("Rule 72(b)"). Rule 72(b) provides in relevant part:

Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations.

Defendants' objections lack any specific bases for challenging the Findings and Recommendation. They do not contest that complete diversity is lacking because of defendant's Washington citizenship, that the Notice of Removal is procedurally deficient, or that the defendants failed to get unanimous consent of all defendants before removal. Instead, defendants attempt to make legal arguments irrelevant to the pending Motion to Remand.

The court has given the file of this case a *de novo* review, and has also carefully evaluated the Findings and Recommendation, the objections, and the entire Record. The Magistrate Judge's reasoning and recommendations are sound, correct, and entitled to adoption.

CONCLUSION

This court adopts the Findings and Recommendation [22]. Accordingly, plaintiff's Motion to Remand [3] is GRANTED.

IT IS SO ORDERED.

Dated this 5 day of March, 2007.


Ancer L. Haggerty
United States District Judge